

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MARIO PILLCO MOROCHO, *et al.*,

Plaintiffs,

v.

BRISTOL COUNTY SHERIFF'S
OFFICE, *et al.*,

Defendants.

No. 1:22-cv-10652-WGY

**FEDERAL DEFENDANTS' PARTIALLY-ASSENTED-TO MOTION TO
DISMISS FOR LACK OF SERVICE**

Pursuant to Federal Rule of Civil Procedure 12(b)(5), the United States of America, United States Department of Homeland Security, United States Immigration and Customs Enforcement, and Todd Lyons (the "Federal Defendants") respectfully move that the Court dismiss Plaintiffs' complaint as to Mr. Lyons for failure to effect proper service, and set a short deadline for Plaintiffs to perfect service against the federal agency Defendants. Plaintiffs do not oppose the Court's imposition of a short deadline to serve the federal agency Defendants.¹

WHEREFORE, for the reasons set forth in the accompanying memorandum, the Federal Defendants respectfully request that the Court grant their motion to dismiss.

¹ Undersigned counsel appears for the limited purpose of filing this motion to dismiss and accompanying memorandum in support. A request for authority to represent Mr. Lyons in his individual capacity is pending with the Department of Justice.

Dated: November 2, 2022

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

By: /s/ Julian N. Canzoneri
JULIAN N. CANZONERI
Assistant U.S. Attorney
U.S. Attorney's Office
John Joseph Moakley U.S. Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
(617) 748-3170
julian.canzoneri@usdoj.gov

LOCAL RULE 7.1 CERTIFICATION

I, Julian N. Canzoneri, hereby certify that, pursuant to L.R. 7.1(a)(2), I conferred with counsel for Plaintiffs who oppose dismissal as to Mr. Lyons but assent to the Court's imposition of a short deadline for service of the United States Department of Homeland Security, United States Immigrations and Customs Enforcement, and the United States.

Date: November 2, 2022

/s/ Julian N. Canzoneri
Julian N. Canzoneri
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorneys of record by means of the Court's Electronic Case Filing system on November 2, 2022.

/s/ Julian N. Canzoneri
Julian N. Canzoneri
Assistant U.S. Attorney